

COURT-1

IN THE APPELLATE TRIBUNAL FOR ELECTRICITY
(Appellate Jurisdiction)

DFR No : 325 of 2025 & IA No. 1332 OF 2025 & IA No. 1331 OF 2025

Dated: 25th November, 2025

Present : Hon`ble Mr. Justice Ramesh Ranganathan, Chairperson
Hon`ble Mr. Ajay Talegaonkar, Technical Member (Electricity)

In the matter of:

Madhya Pradesh Power Transmission Company Limited Appellant(s)

Versus

Central Electricity Regulatory Commission & Ors. Respondent(s)

Counsel on record for the Appellant(s) : Shri Venkatesh
Ashutosh Kumar Srivastava
Vineet Kumar
Kunal Veer Chopra
Manav Bhatia
Nihal Bhardwaj
Adarsh Singh
Manu Tiwari
Mohit Mansharamani
Aashwyn Singh
Harsh Vardhan
Ananya Dutta
Suhael Buttan
Tanishka Khatana
Vedant Choudhary
Kanika Chugh
Priya Dhankar
Nikunj Bhatnagar
Drishti Rathi
Surbhi Kapoor
Siddharth Nigotia
Abhishek Nangia
Akash Lamba
Kartikay Trivedi
Aniket Kanhaua
Indu Uttara
Shryeshth Ramesh Sharma
Devishi Gupta
for App. 1

Counsel on record for the Respondent(s) : Poorva Saigal
Shubham Arya
Pallavi Saigal
Reeha Singh

Rishabh Saxena
Shirin Gupta
Kaavya
Shree Dwivedi
for Res. 2

Anup Jain
Ashwary Kathed
Nishtha Goel
for Res. 5

Akhil Hasija
for Res. 14

ORDER

IA NO. 1332 OF 2025

For condonation of delay of 2007 days in filing the appeal)

While the delay in filing the Appeal as computed by the Registry is of 2007 days, the Appellant herein had invoked the jurisdiction of the Madhya Pradesh High Court seeking to have the impugned order quashed on the ground that the CERC lacked jurisdiction to grant the relief, and as the impugned order suffered from violation of the rules of natural justice. This submission, urged on behalf of the Appellant, found acceptance with the division bench of the Madhya Pradesh High Court which, by its order in WP No. 10845 of 2020 dated 25.02.2021, overruled the objection raised on behalf of the Respondents that the Appellant had an alternative remedy; and then admitted the petition for hearing.

Aggrieved thereby the Respondent-PGCIL approached the Supreme Court by way of Civil Appeal No. 6847 of 2025 [arising from SLP (C) No. 7605 of 2021].

By its elaborate judgement dated 15.05.2025, the Supreme Court held that the CERC was empowered to order imposition of transmission charges on the party on whom the delay was attributable; and hence the Madhya Pradesh High Court had erred in holding that the existence of an alternative remedy did not disable exercise of jurisdiction by the High Court under Article 226 of the Constitution of India.

While holding that the CERC was empowered to order imposition of transmission charges on the party on whom the delay was attributable, the Supreme Court made it clear that it had not considered the question whether such liability of payment of transmission charges, could be imposed on the 1st Respondent, in the specific facts of the case on hand; and they were of the opinion that APTEL was the appropriate authority to examine the merits of the matter should the 1st Respondent (the Appellant herein) choose to prefer an appeal before APTEL under Section 111 of the Electricity Act, 2003.

We are satisfied that the Appellant herein was bona-fide litigating the issue before the Madhya Pradesh High Court, and it is only after the Order of the Supreme Court dated 15.05.2025 that the delay in filing the delay must be computed, and the period spent both before the High Court and the Supreme Court should, in the facts of the present case, be excluded in computing the delay. Ms. Priya Dhankar, Learned Counsel for the Appellant, would state that, if the delay is computed from 15.05.2025, then the delay in filing the appeal is of 111 days.

While the delay is not so inordinate as to non-suit the Appellant on this score, we are of the view that the explanation furnished for the delay from 15.05.2025 may not by itself constitute sufficient cause since the justification put-forth for the delay is of administrative reasons. We therefore, deem it appropriate to condone the delay on condition that the Appellant pays cost of Rs.50,000/- (Rupees Fifty Thousand only) to the Central Transmission Utility of India Limited (CTUIL) within four weeks from today, and files proof of payment in the Registry within two weeks thereafter. Subject to compliance with the aforesaid directions, the delay is condoned.

Needless to state that, in case the aforesaid costs are not paid within the stipulated time and an affidavit of proof of payment is not filed in the Registry within two weeks thereafter, the application for

condonation of delay in preferring the appeal, shall stand dismissed automatically, and the Appeal shall stand rejected. The application is disposed of.

The Appellant shall also intimate the CTUIL of the Appeal No. and the date of the Order, in terms of which costs are being paid.

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Reply shall be filed by the Respondents within six weeks and rejoinder, if any, shall be filed within four weeks' thereafter.

Post the IA on **05.02.2026**.

Ajay Talegaonkar
Technical Member (Electricity)

Justice Ramesh Ranganathan
Chairperson

tpd/kns